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ONEIDA HISTORICAL SOCIETY.

1879.

Men of Early Rome.

BY

D. E. WAGER.

ONEIDA HISTORICAL SOCIETY.

MEN, EVENTS, LAWYERS,
POLITICS AND POLITICIANS
OF EARLY ROME.

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AN ADDRESS DELIVERED BEFORE THE ONEIDA HISTORICAL SOCIETY, AT
UTICA, N. Y., JANUARY 28, 1879.

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1879.

At a regular meeting of the Oneida Historical Society, held January 28, 1879, after the transaction of business, Mr. D. E. Wager, of Rome, one of the Councilors of the Society, read an address upon "The Men, Events, Lawyers, Politics and Politicians of Early Rome." At the conclusion of the address, on motion of M. M. Jones, it was

Resolved, That the Oneida Historical Society extends its hearty thanks to Mr. D. E. Wager for his address upon the Men and Events of Early Rome, which it regards as one of the most valuable additions to the History of Oneida County :

Resolved, That Mr. Wager be requested to furnish a copy of his address for publication.

MEN, EVENTS, LAWYERS, POLITICS AND POLITICIANS OF EARLY ROME.*

BY D. E. WAGER.

At the close of the Revolutionary War, and at the time of the adoption of the United States Constitution, the State of New York was considerably less democratic than any other State in the Union. There was more of aristocracy in this State than in any other. The wealthy and influential families of the Coldens, the Morrises, the Schuylers, the Livingstons, the Van Cortlands, the Van Rensselaers and Sir William Johnson, with their large landed possessions, and deriving a princely support from a numerous tenantry, had infused into a large class of the people different manners and currents of thought, and made an impress upon the age and condition of things which required years to eradicate. The great mass of the people were looked upon by that landed gentry with distrust, and as incapable of self-government; and hence, the State Constitution in force in this State, down to 1822, gave to the people the rights of suffrage in a gingerly manner, and to a very limited extent. Aside from certain town officers the people elected by ballot only Governor, Lieutenant-Governor, State Senators, members of Assembly, and Congressmen; and to vote for Governor, Lieutenant-Governor and Senators a person must, for six months before election, have possessed a freehold of the value of \$250, over and above all debts charged thereon; and to vote for Congressmen and Assemblymen he must for the same period of time, possess a freehold of the value of \$50, or have rented a tenement of the yearly value of \$5, and actually paid taxes to the State. All of the other officers in county or State were appointed. The

*This address had been previously delivered by Mr. Wager before the Young Men's Christian Association of Rome, January 13, 1879, and was read by him before the Utica Young Men's Christian Association February 4, 1879.

State appointing body was called "*The Council of Appointment*," and was constituted as follows: The State was divided into four Senatorial districts, called the eastern, western, southern and middle districts, and each year the Assembly selected a Senator from each of those districts, and the four Senators thus selected (with the Governor) made such "Council of Appointment." The Governor had no vote, except in case of a tie. The journals of that body, still preserved in the Secretary of State's office, at Albany, showing its appointments, removals and doings, fill fourteen manuscript volumes. In addition to some eight thousand military officers, that body appointed about seven thousand civil and judicial officers, consisting of the Secretary of State, Attorney General, Surveyor General, Comptroller, Chancellor, Masters and Examiners in Chancery, Judges of the Supreme Court, Judges of the Common Pleas in each of the counties, Sheriffs, County Clerks, Surrogates, District Attorneys, Coroners, Mayors and Recorders of cities, and Justices of the Peace.

Yes, so jealous or mistrustful were the constitution and law makers of the people, as to their capacity and intelligence in regard to the elective franchise, that even down to 1821, when the State Constitution was framed in that year, that instrument did not allow Justices of the Peace to be elected; but instead thereof, bestowed the power of their appointment upon the Board of Supervisors and Judges of the Common Pleas. It was not until 1826 that the people obtained a sufficient recognition of their claim to elect their own town officers, to wring from the Legislature a constitutional amendment to be submitted to the people, as to whether Justices of the Peace should be elected. In a poll of one hundred and thirty thousand votes, cast that year on that submitted question, the majority in its favor in the State was over one hundred and twenty-eight thousand. Oneida County gave three thousand six hundred and ninety-one for, to only six votes against it. The State Treasurer was appointed by a legislative enactment, naming the appointee in the act, and passed

expressly for the purpose, each time the office was filled. County Treasurers and Loan Commissioners were appointed by the Board of Supervisors.

As a further evidence of the distrust entertained of the people, and the small voice they had in the nomination even, of those officers for whom they could vote, and as showing the self-perpetuating power of the office-holders, it may be stated that the Governor and Lieutenant-Governor were not nominated as now, by a State Convention of delegates from each county in the State, but by a caucus of their political friends in the Legislature; or by a public meeting of the citizens, friendly to the nominee, in Albany or New York, just as it happened, and no one else but those citizens taking part therein. State Senators, down to 1811, were nominated by a caucus held at Albany of the members of Assembly from the Senatorial districts; and if a political party in a Senatorial district was unrepresented in the Assembly, it had to get its candidate for Senator in the field as best it could. Assemblymen were nominated and elected by the county at large, and not as now, by districts. The President and Vice President of the United States were nominated by a caucus of their friends in Congress, and not as now, by National Conventions. The Presidential Electors were appointed by the State Legislature, and not as now, elected by the people.

The appointment of such a host of officials gave an immense power and influence to the appointing body, and tended to make a strong government, and to keep political power in the hands of the few. The Chancellor, Supreme Court Judges, and First Judges of the Common Pleas, were appointed during good behavior, or until the appointee reached the age of sixty years. Sheriffs and Coroners were annually appointed; Surrogates for an unlimited time. The number of side Judges of the Common Pleas, and of Justices of the Peace, was unlimited, and sometimes as many as a dozen side Judges in a county were holding office at a time.

This process enabled the dominant party to provide places for its friends.

This state of things continued from the commencement of the Revolutionary War down to the adoption of the State Constitution in January, 1822. That instrument received a majority in the State of nearly thirty-four thousand, although there were forty-one thousand persons who voted against it. Oneida County, strongly federal as she ever had been, yet gave one thousand majority in its favor. Rome gave two hundred and twenty-four votes for, to forty-four against that constitution.

Under that constitution radical changes were made (and since then greater) in the system and management of the government. It was also the means of producing great changes in the politics, and in the power and influence of the politicians in the county and State. Although but a few if any more officers were made elective, yet the mode of the nomination of those who were elected, as well as the manner of the appointment of the others, was changed. The civil and political year was altered from July to January; new Senatorial and Assembly districts were formed; the right of suffrage was extended; the judiciary system was remodeled, resulting in taking from the Supreme Court Judges the political power which they had long exercised, and of breaking up the practice which had prevailed, of taking from the bench of that court nominees for Governor; and the time of holding State elections was changed from April to November. These various changes virtually annihilated a power which, for nearly half a century, had distributed the fruits of victory and the spoils of office in almost every school district in the State, and made the central power at the Capital the controlling one, in the selection of officers, from the highest to the lowest. The power of the few was, by that constitution of 1821, broken into fragments, and thereafter the voice of the people was to be heard and respected in the several and respective localities. It was a revolution almost as

great as that of the Colonies, yet it was accomplished only after the most violent discussion and agitation of the questions involved.

From the foregoing, it will be seen, that the political system in vogue in New York, from the close of the Revolutionary War down to the going into effect of the Constitution of 1821, was well calculated to have a depressing influence upon the great mass of the people, and to keep in the back ground, all except those who by their eminent talents and ability, towered head and shoulders above their fellows. The system was one out of which "regencies," "rings" and self-perpetuating "cliques" would naturally be formed, and when a few prominent leaders could dictate or control the appointments to office, and thereby manipulate and control the political affairs of the whole State. The two political parties in this State, when Oneida County was formed, were known as Republicans and Federalists. At the head of the former was George Clinton, Governor of the State of New York from 1777 to 1795. The leaders of the Federalists were Alexander Hamilton, John Jay and the most of the aristocratic families before named. The election in 1800 of Thomas Jefferson, President, if it did not destroy, it broke the backbone of that party, so that it did not after that year, elect a Governor of its own in this State, nor did it even run one of its own distinctive notions, but two or three times. The political struggle was mainly between the leaders in the Republican ranks, as to who should be master, nor was there any particular principle involved, except those made by the war of 1812, the Erie canal, the convention and constitution of 1821. In the various contests from the organization of Oneida County, until after adoption of the constitution of 1821, the county almost invariably voted for the Federal ticket or its sympathizers, while Rome just as uniformly voted the other way.

Starting then, with the organization of Rome as a town in 1796 at a time when the country was new, the population scattered, and

the number of residents in the county eminent for their talents and abilities very few indeed, I intend to mention and to briefly sketch those who have resided in Rome, and have made their impress upon the times in which they have lived, or who have otherwise arisen to prominence in the history of the county within the first thirty or forty years of Rome's existence as a town.

I shall endeavor to give the names in the order of the time the persons came to Rome, as near as may be, or else in the order each came into prominence in the county. And as I progress, it will be observed that most of the persons named are the common property of Rome and Utica, and that both cities are entitled to be proud of and to claim them.

MAJOR WILLIAM COLBRATH.

Soon after the close of the Revolutionary War, a jolly Irishman, who had rendered service to the Colonies in that struggle, pushed his way westwardly, from what is now the village of Herkimer, into what was then called "the Whitestown country." As early as in April 1790, Major William Colbrath was living in the town of Whitestown, which then included all of the State west of what is now the Herkimer County line. The town records show, that at the town meeting held April 6, 1793, in Captain Needham Maynard's barn, in the town of Whitestown, William Colbrath received fifty votes for the office of Supervisor, and Jedediah Sanger thirty-four, and a full town meeting ticket was then and there chosen and declared elected. The records further state "that as many people being deprived of the privilege of voting for Supervisor, it was moved to have the proceedings of the day made null and void, which passed in the affirmative." The meeting was then adjourned to the next day at 10 A. M. The town meeting was held on such next day, the polls held open until 5 P. M., and on counting the votes it was found that one hundred and

nineteen votes were cast for Jedediah Sanger for Supervisor, and none for any one else, for that office, and so he was declared elected. Mr. Colbrath was therefore Supervisor for less than a day. The foregoing from Jones' "Annals of Oneida County," shows how queerly the electors did things in those days, and it is the first mention I find of Mr. Colbrath. In the County Clerk's office of Oneida County, I find recorded a power of attorney, from Baron Steuben of New York City, bearing date, June 1, 1791, to Mr. William Colbrath, and describing the latter as yeomen of Whitestown, giving the latter full power and authority to bargain and sell lands of the former, and to prosecute for trespasses committed upon the lands of the Baron in the County of Herkimer. This instrument is witnessed by the subscribing signatures of David Starr (after whom "Starr hill" in Steuben is named) and Benjamin Wright, a Roman, and from which it is inferred that Mr. Colbrath must then have resided near Fort Stanwix, as he certainly did a few years later, for in 1796 he had a deed of one hundred and sixty acres of land, just east of what is now "Factory Village" in Rome, and which land formerly belonged to Governor George Clinton, and which land Mr. Colbrath sold to Dominick Lynch, the year Oneida County was formed. Those who have the curiosity to examine the first book of mortgages in this county, will find a mortgage on record to Mr. Colbrath, covering a couple of acres of land in Cexe's patent, and also a large list of household articles, evidently mortgaged to Mr. Colbrath (who was also Sheriff at the time) to screen them from an execution sale of some unfeeling creditor, for the articles were (in part) as follows: "three feather beds, three underbeds with cords, six French sheets, five Indian blankets, three *chists*, one pewter pot, one earthen tea pot, one earthen coffee pot, five yards of flannel, &c., &c.

Mr. Colbrath was the first Sheriff of Herkimer County, appointed in February, 1791, and which county then also included what is now Oneida County. He held that office until 1795, when he was succeeded by Peter Smith, then of Utica, father of Gerrit Smith. It was while Mr. Colbrath was such Sheriff, that the first

term of a Court of Record was held within the limits of what is now Oneida County. It was the Herkimer Common Pleas, and was held at what is now the village of New Hartford, in a barn, or in an unfinished meeting house, and was in January, 1794. The weather was bitterly cold, and the room where the court was held was illy prepared for the inclemency of the weather. Towards night, bench, bar and spectators were nearly frozen out; and to keep the lawyers warm, Sheriff Colbrath passed quietly among them, a jug of spirits. The Judge had told the crier to adjourn the court until next day, when Mr. Colbrath, hearing the order, and forgetting or else unmindful of the dignity of the court and the proprieties of the occasion, called out, "oh, no, no, no, don't adjourn yet, Judge, take some gin, it will keep you warm, Judge;" and suiting the action to the advice, passed the jug to the bench. There was not the romance to it that there was in Maul Muller's case; nevertheless the Court partook, and doubtless thought, if it did not say

"Thanks to you, for a sweeter draught
From a kinder hand was never quaffed."

Oneida County was formed March 15, 1798, and four days thereafter, Mr. Colbrath was appointed its first Sheriff, and held the office until the close of the year. I have obtained nothing further relative to him, but he seems entitled to a place in this record, if for no other reason than that he was the first Sheriff of the two counties above named, and the additional fact that he was the only Roman who held that office (except Israel S. Parker in 1842 and 1844) for the first seventy years after the organization of Oneida County.

BENJAMIN WRIGHT.

Benjamin Wright, who figured prominently in after years as a surveyor and engineer, came to Fort Stanwix in 1790, when twenty years old. His father's family came from Connecticut the

previous year, and located in what is now familiarly known as "Wright Settlement." Benjamin had remained behind to attend school and study surveying, for which he had a natural taste and aptitude, and which profession promised to be useful and profitable in this then new country, but rapidly settling up. The various owners of the Patents and tracts in this section, were at that time, sub-dividing their lands into lots, laying them out into farms, for the accommodation of the settlers. From 1796 to 1800 Mr. Wright was engaged in surveying in what are now Franklin, Jefferson, Lewis, Oneida, Oswego and St. Lawrence counties, including Macomb's great purchase of near four million acres in the northern part of the State. In what was then Oneida County, he surveyed out into farms, over five hundred thousand acres, before he was twenty-six years of age; and when the above named counties were formed, he surveyed out their boundaries.

In 1804 occurred the gubernatorial contest in this State, between Morgan Lewis and Aaron Burr—both republicans. Mr. Lewis, at the time of his running, was Chief Justice of the Supreme Court, and Aaron Burr was Vice President of the United States. There was no political principle involved in the election. Benjamin Wright ran for the Assembly in this county, on the Burr ticket; on the other ticket was Gen. Walter Martin, of Martinsburgh, then a part of Oneida County. Without counting the vote of the town of Adams, then also in Oneida County, Mr. Wright and Mr. Martin had received in the county, an equal number of votes, making the vote between them a tie. The whole number of votes cast in the town of Adams was thirty-four, and all of those were for "*Benj.*" Wright, and the question was, whether they should be counted for *Benjamin* Wright. The County Clerk returned the above facts to the Assembly, and that body, on the second day of its session, awarded the seat to Mr. Wright. At that time there was no newspaper office nearer Adams than Utica, and quite likely the ballots for that town were written, and hence the given name of Mr. Wright abbreviated as above. Mr. Wright was the

first Roman elected to the Assembly after the organization of Oneida County. Mathew Brown, Jr., a Roman, had been elected, in 1796 and 1797, when Rome was a part of Herkimer County, and at a time when the Legislature met in New York City. Mr. Brown was the first postmaster of Rome. The election of 1804 resulted in favor of Morgan Lewis, by eight thousand five hundred majority. Rome gave Lewis ninety-six votes, and Burr thirty-three; it gave Walter Martin one hundred and fifty-four, and Mr. Wright one hundred and forty-one—which indicate about the number of freehold voters in Rome at that time. Out of that contest grew the duel between Burr and Hamilton, which occurred within three months after that election, resulting in the killing of Hamilton and the consequent ostracism and ruination of Burr. In a few years thereafter he was a prisoner, on trial for treason to the United States Government, a political outcast and fugitive wanderer in strange lands and foreign parts. The next contest for Governor, was in 1807, between Morgan Lewis and Daniel D. Tompkins—both republicans, and with no political principle involved. Tompkins was Judge of the Supreme Court, while running for the office of Governor, as Morgan Lewis was three years before. Benjamin Wright ran again for the Assembly this year, on the ticket with Morgan Lewis, and was elected in the county, although Mr. Lewis was defeated in the State by four thousand majority. In 1808 Mr. Wright was again elected to the Assembly. The Erie Canal question at that time was beginning to attract considerable attention. While in the Legislature, he seconded a resolution appropriating one thousand dollars for a survey of the Erie Canal route. The bill passed the Assembly, but the Senate cut the appropriation down to six hundred dollars. Think of it, six hundred dollars to pay the expense of a survey of a route of three hundred and sixty miles, and much of the way through a wilderness! In these days it would hardly pay for a champagne supper that would be given in glorification of the passage of an appropriation bill. But legislators and the people were then economical and unaccustomed to lavish expenditures; and besides, the great mass and most intelligent of the

people looked upon the scheme of a canal from Lake Erie to the Hudson River as wild, visionary and impractical. The patriotic Governor Daniel D. Tompkins opposed it. A committee from this State, in January, 1869, called on President Jefferson, to influence him and his administration in behalf of the project, and after all the surveys, estimates and portrayal of the commercial prospects had been laid before the President, even he coolly answered, "It is a splendid project, and may be executed a century hence." "Why," said he, "here is a canal, of a few miles, projected by General Washington, which has languished, and yet you think of making a canal *three hundred and fifty* miles through a *wilderness*. It is little short of madness to think of it." The friends of the measure did think of it nevertheless, and in 1810 the Legislature appointed De Witt Clinton and others to cause the route to be explored, which they did, and reported favorably in 1812. Now came the question to get a competent engineer to lay out the canal, for it was considered that none competent could be found in the United States. William Weston, of England, had been to this country and laid out the Western Inland Canal. He surveyed the land, while here, of Dominick Lynch, and made a map of Lynchville, now Rome, and laid out the village plot, as reference is made in all of Mr. Lynch's deeds and leases to that map of Mr. Weston. That gentleman was written to in England, to see if he would come, and seven thousand dollars a year salary was offered him, but as he could not then accept the offered engagement, Mr. Wright and Mr. Gibbs held a consultation, and both went before the committee and offered their services. They were employed at fifteen hundred dollars per year. The war with England interrupted further proceedings until the termination of hostilities, and so the matter rested.

In 1813 Mr. Wright was appointed one of the Judges of the Common Pleas, probably through the influence of his political friend, Jonas Platt, of Whitesboro, that year a member of the Council of Appointment; but Mr. Wright did not ever give

much attention to judicial duties. In 1816 the canal project was revived by the presentation to the Legislature of a memorial signed by one hundred thousand persons, asking legislative action. The Legislature took action, and Mr. Geddes made a survey of the western, and Mr. Wright of the eastern division; and the levels of the two, where they met, differed less than one inch and a half. The work of construction was commenced in 1817, and those two engineers remained in charge until the work was completed, in 1825.

In 1817 Mr. Wright ran for the Assembly, but was defeated by Henry Huntington, owing to the popularity at that time of DeWitt Clinton and his friends. On the fourth of July that year, the imposing ceremonies of first breaking ground for the construction of the canal took place in Rome, southwesterly of the United States Arsenal, on the old route of that canal. DeWitt Clinton, elected Governor of the State the April before, was present, as were other State dignitaries, and a large concourse of people. Mr. Wright was partner in mercantile pursuits in Rome from 1804 to 1817, at first with Peter Colt, and later with his brother, the late William Wright. He was consulting engineer on a great many works of internal improvements, such as the Chesapeake and Ohio Canal, Illinois Canal, the Welland Canal, the Delaware and Hudson Canal, the New York and Erie Railroad and the Harlem Railroad. In 1835 he went to Cuba, to consult as an engineer of a railroad to be built on that island. About 1820 he built, and occupied for his residence until 1825, the first brick dwelling house in Rome west of the Willett House, and which was bought and used as a banking house in 1832, by the Bank of Rome, organized that year. Mr. Wright about 1825 moved to New York, and died in that city in August, 1842, at the age of seventy-two. No one in his day stood higher as an engineer than Benjamin Wright.

GEORGE HUNTINGTON.

The first Rome merchant located at Fort Stanwix early in the spring of 1793, and, for want of other accommodations, opened his stock of goods in the bar room, or an adjoining room, of the tavern then kept by John Barnard, and standing a little north-easterly of the present site of the Court House. George Huntington, then an unmarried man of twenty-three years, was a native of Connecticut, and while he had clerked it the previous year at Whitesboro, had visited the Fort for the purpose of "interviewing" the prospect. Settlers were coming in, the trade with the Indians, then here in great numbers, promised to be good, and so Mr. Huntington, with his brother Henry, then of New York City, as a partner, commenced trade in what is now Rome, at the time above stated. The next year Mr. Huntington erected a frame store and a frame dwelling on Deminick Street, near the corner now known as the "Merrill Block." In looking through the account books of that firm, as I have done from that date down, for many years thereafter, it is interesting and curious to note that many of its retail customers then resided in what are now Oswego, Onondaga, Cayuga, Jefferson and Lewis counties; and it is also worth while to mention, for it is in accordance with the fact, and is true of every other dry goods merchant or dealer fifty, sixty or seventy years ago, that the charges for rum and brandy upon the books of the merchants of those times against the customers, were about as frequent as that of any other commodity kept on hand for sale; and the list of that kind of accounts against members, deacons and elders of churches was about as lengthy as against any other class of customers. Such was the custom of the times half a century and more ago, and it affords a striking contrast with the present times. When Rome was organized as a town, in 1796, Mr. Huntington was elected its first Supervisor. When Oneida County was formed, two years later, he was appointed one of the side Judges of the Common Pleas for the new county, and re-

appointed in 1801, and again in 1804—both times by a republican Council of Appointment. He was elected Supervisor of Rome in 1804, 1814, and in 1817. In 1810 an election of Governor took place; and although it was two years before the war with England commenced, yet that subject was thus early discussed, and the issues or the causes of that war entered largely into that State canvass. Jonas Platt, a federalist and a lawyer of note, and the first County Clerk of Oneida County, then resided at Whitesboro, in this county. The federalists felt confident of carrying the State, so they were early in the field. The fore part of January, of that year, a meeting of the citizens of Albany was held (none but those citizens taking part therein) at which Mr. Platt was nominated for Governor. He had settled at Whitesboro in 1796; and it was calculated that, as he had settled in and grown up with the “great west,” as all this part of the State was then called, he would poll a large vote in the western district, then a republican district. Mr. George Huntington was nominated for the Assembly on the ticket with Mr. Platt. Henry Wager, Senior, of Western, ran for Assembly on the other ticket. Daniel D. Tompkins was re-nominated for Governor in February, by a legislative caucus of his friends, and the contest was sharp and bitter, and conducted with great zeal on both sides. In that contest, as in about every other that has ever taken place in this country, the “war party” was triumphant in the State. Tompkins was elected Governor by about ten thousand majority; Mr. Huntington and his Assembly ticket were elected by about three hundred and fifty majority in the county, but Rome gave fifty the other way.

In 1813 occurred another election for Governor. Daniel D. Tompkins, the “great war Governor” of New York, was re-nominated, and John Taylor for Lieutenant-Governor. At that time this country was in the midst of a war with England, and the northern frontier of New York was the scene of active military operations. The federalists nominated Stephen Van Rensselaer,

“The Patroon,” for Governor, and George Huntington for Lieutenant-Governor, and that party went into the canvass with high hopes of success; for both nominees were highly respectable and entirely unexceptionable in their characters, and there was then, as in the recent war, considerable dissatisfaction with the management of the war. The election was sharply contested, but the “war ticket” was successful in the State by nearly four thousand majority, to the bitter mortification of the federalists, and contrary to the shrewdest calculations of both parties.

Mr. Huntington was collector for the Western Inland Canal from its completion in 1797 to the completion of the Erie Canal from Rome to Utica in 1819.

In 1815 Mr. Huntington ran for the State Senate, in opposition to Henry Seymour, father of Ex-Governor Seymour, but was defeated. He was elected to the Assembly in 1818, 1819, 1820 and 1821, being the years when there was the greatest excitement, growing out of the calling and holding of a convention for a new constitution—the framing of that instrument, and its submission to the people, involving the questions of the elective franchise, and an entire change in the political system in the State; and also during the years of the bitter and exciting gubernatorial contest between DeWitt Clinton and Daniel D. Tompkins in 1820.

Under the new constitution of 1822 Mr. Huntington ran again for Senator, but he and his three associates were defeated by Samuel Beardsley and others. That seems to have been the last time he ran for a political office; and as he had been nine times elected to the Assembly, and discharged the various duties incumbent upon him with credit and honor, he might well be content to retire from the political arena. He was trustee of Rome village in 1820, 1821, 1822, 1826 and 1827. It was about 1816 that he and his brother Henry retired from mercantile business, and devoted the remainder of their lives to looking after a large landed property,

much of it held by them in common, and to taking care of the large property which they had acquired by their prudence and careful industry. Mr. George Huntington died in Rome in September, 1841, at the age of seventy-one years, universally respected and esteemed. He was the father of our worthy and honored townsman, Mr. Edward Huntington.

JOSHUA HATHEWAY.

The Battle of Bennington, in August, 1777, was the first link in the chain of events which led to the flight of St. Leger before Fort Stanwix, the subsequent capture of Burgoyne on the fields of Saratoga, and the consequent frustration of the British plan of that campaign—to separate New York from the New England States. In that battle, under General Stark, was a father and seven of his sons from the State of Connecticut. One of those sons was Joshua Hatheway; he had reached his sixteenth birthday but three days before that battle was fought. Ten years later, and after further service in that war, Joshua Hatheway graduated at Yale College, studied law, was admitted to practice, and, in 1795, came to Fort Stanwix, then in the town of Steuben, Herkimer County, and was admitted to the bar of that county. After the organization of Oneida County, and at the first term of the Oneida Common Pleas, held at the school house in the southeast corner of the West Park, in Rome, he was admitted to that court. In 1798 he was commissioned for the new county, one of the Justices of the Peace, and he was also appointed by the Board of Supervisors the first County Treasurer, and held that office until 1802; and he held various town offices during the twenty-five years thereafter. About 1810 he was appointed by President Madison the second postmaster in Rome, and he held that office through successive administrations for twenty-six years, and until his death. In 1838 he was appointed Surrogate of Oneida, in place of Aaron Breese, a federalist. He was the

first Rome Surrogate, and the second one appointed in the county. It was the same Council of Appointment which, a few days before, had appointed Martin Van Buren Surrogate of Columbia County, DeWitt Clinton Mayor of New York, and Samuel Young Justice of the Peace of Saratoga County—men who, in after years, made their impress upon the history of the State and Nation. A pretty clean sweep was made that year of all the offices in the State, whose incumbents were unfriendly to Governor Tompkins.

In 1813 the federalists obtained the control of the Council of Appointment, and their broom in turn swept out the Tompkins office-holders. In February, of that year, Mr. Hatheway was turned out of the Surrogate's office to make room for Erastus Clark, of Utica. It was the same year and but ten days after, the same council turned out of the office of Attorney-General the eloquent and renowned lawyer, advocate, and Irish exile, Thomas Addis Emmett, and put in his place that able lawyer, Abraham Van Vechten, a dyed in the wool federalist. Mr. Hatheway, this year, went to Sacketts Harbor, as quartermaster in the "Rome Regiment."

In 1814 the Tompkins people carried the Assembly, secured the Council of Appointment, and adopted the most vigorous measures, not only to carry on the war with Great Britain, but to turn out the federal office-holders in the State. In February, 1815, Martin Van Buren was appointed Attorney-General, in place of Mr. Van Vechten, and a month later, Erastus Clark was rotated out of the office of Surrogate of Oneida County, to make room for Mr. Hatheway. Four years later in 1819, in a quarrel in the republican party, between the "Clintonians" and "Bucktails" (anti-Clintonians) Mr. Hatheway was displaced to make room for Greene C. Bronson, then of Vernon, in this county. Although Mr. Clinton in 1820, was elected Governor by about fourteen hundred majority, yet the anti-Clintonians secured the Assembly and the Council of Appointment, and the friends of the Governor had to walk the plank.

In April, 1821, Mr. Bronson was turned out and Mr. Hatheway a third time appointed Surrogate, which position he held until 1827, when his political zealp was again demanded - this time by a Roman, and a young man of talent and promise, just then rising into notice and prominence in the republican ranks, as will be further and more fully noticed, when reference is made to Hon. Henry A. Foster. When Mr. Hatheway was restored to the office of Surrogate, in the spring of 1821, he was also appointed one of the side Judges of the Common Pleas; re-appointed in 1823, and again in February, 1828; the last time through the aid and influence of Hon. Henry A. Foster, then Surrogate of the county, and who, being in Albany at the time, with his own hand took the nomination of Mr. Hatheway from Governor DeWitt Clinton to the Senate chamber for confirmation. That same evening Governor Clinton died suddenly in his chair. It was probably his last executive nomination. Mr. Hatheway held that office until 1833.

He was Postmaster twenty-six years, Surrogate thirteen years, Judge of the Common Pleas twelve years, besides holding the office of Justice of the Peace for many years, and all of those offices at the same time for a considerable period. Is it a wonder that the people desired a change, and that they gave nearly thirty-four thousand majority for the new constitution? That he discharged the duties of those offices with exactness is not questioned. He studiously maintained the dignity of the court in which he acted, and exacted respect to the position he held, and the government he represented. It is narrated that whenever the mails arrived for distribution at the Rome post office, he commanded silence on the part of all spectators then present, required them to be seated, and said: "Gentlemen, take off your hats, for the United States mail is now to be opened and distributed." A church congregation was never more respectful, nor a court assemblage more orderly than on such occasions in the Rome post office. Nor need this formality seem strange, for doubtless the memory of some who now hear me goes back to the time, for mine does, when

the presiding judge of the court was escorted to and from the hotel, each forenoon and afternoon session, by the Sheriff, with sheathed sword, accompanied by deputies and constable with long staves, and the Sheriff sat on a raised seat in the court room, with his sword, to preserve order. Mr. Hatheway died in Rome in December, 1836, at the age of seventy-five years.

HENRY HUNTINGTON.

The year Oneida County was formed Henry Huntington, the father of Hon. B. N. Huntington, made Rome his home. In 1800 he was elected Assessor and School Commissioner in Rome. In 1803 Supervisor, and again in 1807. In 1801 he and Joseph Kirkland, of Utica, ran on opposite tickets for members of the constitutional convention, held in October of that year. Without the vote of the town of Mexico, then a part of Oneida County, the number of votes in the county for Mr. Kirkland (a federalist) was seven hundred and forty-eight; for Mr. Huntington, seven hundred and thirty-eight. All of the votes of Mexico (eighteen votes in all) was cast for Mr. Huntington; but only two of the three inspectors of election had signed the return, and Jones Platt, then County Clerk, and a federalist, gave the certificate of election to Mr. Kirkland. Mr. Huntington contested the seat, and the constitutional convention, presided over by Aaron Burr, then Vice President of the United States, gave it to him. In that contest Rome gave two hundred and seven votes to Mr. Huntington, and none to the other ticket. In 1804 Mr. Huntington was elected to the State Senate, he being the first Senator from Rome. In 1806 he was member of the Council of Appointment, as was DeWitt Clinton that year; and, although a warm personal and political friend of Mr. Clinton, yet he earnestly protested against the wholesale removals from office made that year by his colleagues in that council, for no reason other than that those turned out were friends of Governor Morgan Lewis. Hammond's Political History speaks of Mr. Huntington as a gentleman and politician of great moderation

and prudence, and altogether incapable of persecution or proscription. In 1808 he was chosen by the Legislature Presidential Elector, and of the six votes from New York State given for George Clinton for President, in preference to James Madison, Mr. Huntington's was one. In 1812 he was again appointed Presidential Elector, and all of the votes that year, of this State, were cast for DeWitt Clinton for President.

In 1816 he was elected to the Assembly, and the only one on his ticket. It was this Legislature which passed the law abolishing what remained of slavery in this State, after July 4, 1827. A law had been passed in 1801 for a gradual emancipation, by providing that all persons born of slaves *after* July 4, 1799, (at which time there were twenty thousand slaves in New York State) should be free, except that such persons should, if males, serve as apprentices until they reached twenty-eight years of age, and, if females, until twenty-five; and further providing that slaves could not be witnesses in any case, except against other slaves in criminal trials; and also requiring owners to instruct their slaves, so that the latter could read the Holy Scriptures. The law passed by the Legislature of 1816 emancipated those after July 4, 1827, who were not freed by the law of 1801. In 1817 Mr. Huntington was elected to the Assembly again, his opponent being Benjamin Wright. In June, 1821, he was elected a member of the constitutional convention, which was held in August of that year, and was presided over by Daniel D. Tompkins, the Vice President of the United States. Mr. Huntington was a member of the convention of 1801, also presided over by a Vice President, (Aaron Burr.) In 1822 Joseph C. Yates, a republican, ran for Governor, and was elected by one hundred and twenty-six thousand majority over Solomon Southwick, who was self-nominated. Henry Huntington and Erastus Root ran against each other for Lieutenant-Governor, the contest resulting in the election of Mr. Root. In 1826 DeWitt Clinton was nominated for Governor and Henry Huntington for Lieutenant-Governor. Mr.

Clinton was elected, but Mr. Huntington was defeated by about four thousand, owing to local causes. It seems that a State road had been projected the year previous, to run from the Hudson River to Lake Erie, through the southern tier of counties, and Mr. Pitcher was commissioner of that road; and the friends of that measure fearing that Mr. Huntington was inimical to it, living as he did on the line of the Erie Canal, just then completed, and believed to be a rival route, the southern portion of the State, and the other counties friendly to that road, cast their votes for Mr. Pitcher. Oneida County, however, gave Mr. Huntington eleven hundred majority. As Mr. Huntington had been in pretty active political life for a quarter of a century, this seems to have closed his political career. In fact, he accepted the above nomination with great reluctance, and after much hesitation and persuasion.

The Bank of Utica was chartered in 1812, and the next year he was elected its second President, and held that position until a short time before his death, a period of thirty-two years. He died in Rome in October, 1846, at the age of eighty years. Although Henry and George Huntington were of opposite politics, and so decidedly and prominently that the party of each nominated him as its candidate for Lieutenant-Governor, yet their business and personal relations were never in the least disturbed, and much of their property was owned in common, and in many instances the partnership funds were used to defray the family expenses of each, and no separate account kept thereof.

There was a number of the legal profession, who came to Rome early in the present century, and although they did not stand out in the county prominently as lawyers, nor figure very conspicuously in politics, yet they should be mentioned as among the early members of the Rome bar.

JAMES LYNCH.

Mr. James Lynch graduated at Columbia College in 1799, read law with Joshua Hatheway, and in 1804, was admitted to practice. He opened a law office in Rome, and had charge of his father's lands in this locality. The two main streets in Rome bear the Christian names of father and son—the father when Rome was organized as a town, owning some twenty-five hundred acres of land, which included Fort Stanwix and the site of the whole business portion of Rome. He succeeded from Rome Mr. George Huntington in the Assembly, and was elected on the federal ticket in the years 1813, 1814 and 1815, all through the hardest part of the war. He moved to Utica in 1818, opened a law office there, and about 1820, he became what was called a "high minded federalist," repudiated DeWitt Clinton, and went in for D. D. Tompkins, and in 1822 was elected to the Assembly. It was the year John E. Hinman was elected Sheriff over S. Newton Dexter, and E. Dorchester, of the Oneida County, County Clerk over Julius Pond. In 1825 Mr. Lynch moved to New York City, became Judge of the Marine Court, and held that position until his death in 1853, at the age of sixty-seven years.

WHEELER BARNES.

Mr. Barnes was born in Massachusetts, but he came from Vermont to Rome, about 1804, being at that time admitted to practice law. He was elected Supervisor of Rome in 1815, and again in 1816, and in the latter year was elected to the Assembly on the federal ticket. He was a member of that Assembly which abolished slavery, as heretofore mentioned, and which authorized the commencement of the construction of the Erie Canal. In 1822, Mr. Barnes ran again for the Assembly, but that was the first year after the new constitution of 1821 had gone into effect, and it was

not a good year for any politician who still held to his federal notions. Mr. Barnes did quite an extensive law practice for those times, and was for a time law partner of William Curtis Noyes. He was trustee of Rome village in 1822, 1823, 1824 and 1825. Not far from 1837, he resided in Oswego, but in a few years he moved back to Rome, and died here in July 1858, at the age of seventy-six years, and as the inscription upon his tomb-stone in the old burying ground reads, "having been a resident of Rome for fifty years."

JAMES SHERMAN.

In 1806, another native of Massachusetts made Rome his permanent home. Mr. James Sherman, the new comer, was a graduate of Williams College, and when he came to Rome was twenty-six years of age, and was an admitted attorney. For a year or so, and about 1807, he was a law partner of Joshua Hatheway, and was himself a candidate for the office of Surrogate, and had obtained the necessary recommendations to secure his appointment; but, on request, gave way to his partner, who was appointed, as has been heretofore stated. Mr. Sherman was Justice of the Peace for a number of years, and held other town offices, but did not mix much in county or State politics. He died in Rome in 1823, at the age of forty-three. He was father-in-law of Judge Henry A. Foster.

SETH B. ROBERTS.

Two years before Rome was organized into a town, Seth B. Roberts, then a boy of four years old, came with his parents from Middletown, Conn., to Whitestown, and there resided until about 1809, when he made Rome his residence. He read law with James Lynch; was admitted to the bar in 1816, and opened a law office in Rome. Mr. Lynch, who had acted as the agent for his father

in the leasing of lands and collection of rents in Rome, moved to Utica in 1818, and Mr. Roberts was appointed in his place, which delicate and responsible trust he held for fifty-three years, through the various titles and successive changes of ownership, of that landed property. The duties connected with that trust occupied the main portion of his time, so that he gave but very little attention to law business, nor did he ever become much known, either as a lawyer or as a politician. He was firm and decided in his political convictions, yet he always sympathized and most generally acted with the party that most strongly favored the temperance cause and anti-slavery movement, or had for its object the bettering of the condition and the elevation of the human race. In the strong democratic town of Rome, he was not infrequently elected to town offices, although he was always on the other side in politics. In 1840, he was appointed one of the Judges of the Oneida Common Pleas, and for five years held that office. For sixty years of his life he was a resident of Rome, and the oldest inhabitant can not, through the whole of that period, recall a single instance where he was seen to be angry, or manifested the least irritation of temper. He who possesses, or can maintain, such an equanimity for such a period of time, is entitled to a place in any history; the recent one of Oneida County not excepted. Without guile in his heart, and with malice toward none and charity for all, he had not while living an enemy in the world, and no one even uttered an unkind word concerning him. He died in October, 1870, in the eighty-first year of his age. Not long before his last illness, while I was in his office, he pointed out to me the little pine table at which he was then writing, and which was the only one he had used since his admission to the bar, fifty four years before. Is it not almost enough of a relic to entitle it to place in the rooms of the Oneida Historical Society?

CHESTER HAYDEN.

Not far from 1812 Chester Hayden opened a law office in Rome. He married a sister of James Sherman. He was, for a time, law partner of Wheeler Barnes, and in 1818 was Town Clerk of Rome; ran for Assembly in this county in 1821, and was defeated, and same year he moved to Pulaski and was appointed Surrogate of Oswego County, and held that office for three years. In 1826 he returned to Rome, and was law partner of Henry A. Foster, for a few years thereafter. In 1830 he was appointed First Judge of the Oneida Common Pleas, and about that time moved to Utica, and he held that office until 1840. In 1843 he was appointed side Judge, and held that position for three years. About that time he moved to Albany, and in 1848 he published a legal work on "Practice and Pleadings" under the Code, that year brought into use for the first time. Subsequently he moved to Ohio, where he died a number of years ago, being at his death President and Professor of a law school in that State.

BENJAMIN P. JOHNSON.

Soon after the war of 1812 the father of Benjamin P. Johnson came from Columbia County to Rome, and located here. The father was a practicing physician. Benjamin P. had read law with Elisha Williams, that renowned jury lawyer, of Hudson, Columbia County, and was admitted to the bar in this county, in 1817. He was the first Clerk of Rome village, two years afterwards, and held for many years the office of Justice of the Peace, School Commissioner and other town offices—was Commissioner of Deeds, Master in Chancery, &c. In 1826 he was elected to the Assembly and again in 1827 and 1828. He never was prominent as a lawyer, although he had great versatility of talent, and was noted for the accuracy and quickness with which he dispatched business. It is said that he was able to listen to and carry on conversation with

several persons on different subjects, and at the same time draw a contract, or write a letter. In the great religious revival under Mr. Finney, in 1825 and 1826, Mr. Johnson was converted, and in February of the last named year, he united with the Presbyterian church, and about the time as did one hundred and eighty-four others on the same day. He was quite active and prominent in church matters, and not far from 1830 was licensed to preach by the Oneida Presbytery, and occupied the pulpit of the Second Church, in Rome, during the occasional absences of its pastor, and also preached at other places, for the then ensuing ten years. There are those yet living who heard Mr. Johnson preach, and who inform me his sermons were able, logical and to the point. It is not an unusual occurrence for persons to leave the ministry for the legal profession, nor for members of the bar to abandon the law and go into the ministry; but the instances are quite rare when a person occupies the pulpit and practices at the bar during the same period of time. It affords evidence that all lawyers are not as bad as they are painted, and that more of them should "practice what they preach."

In 1841 Mr. Johnson was made the first President of the Oneida County Agricultural Society, and for two or three years thereafter he was associated with Mr. Elon Comstock, in the publication of an agricultural paper at Rome. In 1847 he went to Albany and became Secretary and Treasurer of the State Agricultural Society, and held that position for twenty-two years. In 1851 he was delegate or commissioner from this State to the World's Fair, at London; and the information he there gathered, and the sights he there saw, offered him the opportunity to advance the sphere of usefulness of the Society of which he was Secretary. Mr. Johnson died in Albany, in April, 1869, at the age of seventy-six years. His remains are now in the Rome cemetery.

JOSEPH B. READ.

In the winter of 1819-20, Joseph B. Read, a schoolmate of Henry A. Foster, came to Rome and entered the law office of Seth B. Roberts, to complete his law studies. He had previously read law in Delphi, Onondaga County. For a number of years he was Justice of the Peace in Rome; was admitted in 1823, and about 1824-5 became a law partner of Mr. Foster. In 1831 he was Trustee of Rome village, and when George Brown, of Rome, in 1832, entered upon his duties as County Clerk, Mr. Read was made his first deputy. His health was then poor, and he far gone with consumption. That fall he started to go south to spend the winter for his health, but he died while on the boat going down the river from Albany to New York.

SAMUEL BEARDSLEY.

Prior to 1819, a young man, then of Otsego County, commenced the study of medicine in the office of the celebrated Dr. White, of Cherry Valley, with a view to becoming a practicing physician. He was about eighteen years of age, and with such an education as the common schools of the country then afforded. He supported himself by teaching district schools in winter, that he might, in summer, study for a profession. Having occasion to attend court at Cooperstown, he was so charmed with the trial of causes, and with legal proceedings in court, that he expressed to Joshua Hatheway, of Rome, who then chanced to be at court at Cooperstown, a notion and a desire to exchange the study of the medical, for that of the legal profession. He was encouraged so to do, and invited to become a student in Mr. Hatheway's office. The invitation was accepted, and Samuel Beardsley came to Rome; boarded in the family of Mr. Hatheway; read law; tended post office, and assisted in the Surrogate's Court, all in the same office, then on the site now occupied by "Elm Row" buildings. The

studies of Mr. Beardsley were again interrupted, not by peaceful pursuits, but by the stern realities of war. The northern frontier of New York was invaded by British troops, and in 1813 Mr. Beardsley went to Sacketts Harbor to assist in the defense of his country. On his return to Rome he completed his legal studies; was admitted to the bar in 1815; took up his residence in Watertown for a year; returned to Rome and opened a law office; married a daughter of Judge Hatheway, and was law partner of James Lynch for a short time. He was Town Clerk of Rome in 1817; Supervisor in 1818, 1819 and 1820. In 1821 he was appointed District Attorney in place of Nathan Williams—on the same day that his father-in-law was made Surrogate of the County. In 1822 Mr. Beardsley, Thomas Greenly, of Madison County, Sherman Wooster, of Herkimer, and Alvin Bronson, of Oswego, were elected Senators from this District, over George Huntington and his associates. This was the first election under the new Constitution of 1821, and it is a singular fact, and worthy of mention, that the democrats elected, that year, the whole thirty-two Senators in the State—a victory no party had won since the formation of the State Government. And it is also worth while to note, that of all of these Senators elected that year, the above named Alvin Bronson is the only one who survives. He is yet living at Oswego, having passed his ninety-seventh birthday.

Mr. Beardsley drew for the short term in the Senate, and served but one year. In 1823 he was appointed by President James Monroe, United States District Attorney for this District. Soon after his appointment as United States District Attorney in 1823, Mr. Beardsley moved from Rome to Utica. Many Romans yet remember the frame house that stood sixty years ago on the present site of the Tremont House, and of Mr. Beardsley's residence there, and of his office in the wing attached. In 1830 Mr. Beardsley was elected to Congress by sixteen hundred and forty-eight majority over S. N. Dexter who ran as the anti-Jackson and anti-masonic candidate.

Mr. Beardsley's majority in Rome, was one hundred and eighty-four. Fortune C. White ran as the workingman's candidate, and received three votes in Rome, and two hundred and forty-nine in the county. On his election to Congress he resigned the office of United States District Attorney. In 1832, he ran the second time for Congress, and was elected over Charles P. Kirkland, by about six hundred majority in the county. In January, 1834, Governor Marey tendered to Mr. Beardsley the office of Circuit Judge for this judicial district; but as President Jackson needed his services and the democratic party his vote in Congress, he declined the proffered appointment, and Hiram Denio was appointed in the fall of that same year. Mr. Beardsley ran again for Congress, and was elected over Joshua A. Spencer. In 1836 he was appointed Attorney General, and in 1842, he was again elected to Congress over Charles P. Kirkland. In February, 1844, Governor Bouck appointed Mr. Beardsley Supreme Court Judge, and three years later he was made Chief Justice, and held that office until the constitution of 1846 went into effect. Mr. Beardsley was a democrat of the strictest sect, the *hardest* of the "hards" in the time of that party. I was present in the Cincinnati Convention of 1856, twenty-three years ago the coming June, when James Buchanan was nominated for the Presidency, and when Mr. Beardsley headed that half part of the New York delegation called "hunkers;" and when he arose and announced that "the National democracy of New York cast seventeen votes for James Buchanan for President," there was a seeming relish to him, in the way he said "National," and announced that result in the face of the "soft" portion of that delegation. Mr. Beardsley was one of the very few who could and did take an active part in politics, for over thirty years of an unusually busy life and yet stood on a level at the bar and on the bench with the ablest lawyers in the land, and head and shoulders above a large majority of his fellows. On his retiring from judicial duties, for it can hardly be said he ever retired from taking a great interest in politics, he opened a law office in New York City for a while, devoting himself wholly to counsel business, retaining however his

residence in Utica. He died in the latter city, May 6, 1860, the very day he had attained the age of seventy years and three months.

DANIEL WARDWELL.

In 1812, when Samuel Beardsley was reading law in the office of Mr. Hatheway, tending post-office and boarding in the family of of his then future father-in-law, he had for a fellow boarder and student a young man a couple of months younger than himself, who had graduated the year before from Brown University in Rhode Island, and that year came with his father's family to Rome and settled at the "Ridge." That fellow student and boarder was Daniel Wardwell, who the next year went into the office of Gold & Sill of Whitesboro, and was admitted to the Jefferson Common Pleas in 1814 while for a brief time a resident of that county. He married a daughter of Newton Mann, lived and practiced law in Rome in 1816 and 1817, his office being a small frame building near where the *Sentinel* office now is. In 1820 he lived in Utica, and soon after moved to Jefferson County; and 1821 was appointed by Governor Yates, side Judge of that county. It was in his office in 1821 at Adams, that Rev. Charles G. Finney, who afterward became the noted revivalist, was reading law at the time of his conversion, and thereupon abandoned the law for the ministry. Mr. Wardwell was elected member of Assembly from Jefferson County 1825, 1826 and 1827. In 1826 he was the means of causing great commotion at Albany, New York and the river counties, by his introduction into the Assembly and advocacy of a resolution favoring the removal of the State Capital to Utica or some other central point. The project took like wild fire in the central and western part of the State, and public meetings were held at Utica, presided over and taken part in by its leading and prominent citizens in favor of the proposition. I regret to add, the measure failed, and it does not look now as if it would be carried for the next fifty years. In 1828, in the exciting Presidential

contest between Jackson and Adams, Mr. Wardwell ran for State Senator in this district, on the Jackson ticket. His opponent was William H. Maynard of Utica. Masonry or anti-masonry was then one of the exciting topics of the canvass. The election was close, but Mr. Maynard was elected by about three hundred majority. In return for this defeat, the Jefferson county district elected Mr. Wardwell to Congress for three successive terms, the first time in 1830, and which was for a longer time than any other person has been elected from that county. It is worth while to note that he was elected for the same three terms and in the same years, as was his fellow law student Mr. Beardsley from this county, and that both were warm personal and political friends, and were among the most determined adherents and supporters of President Jackson all through the stormy period of his administration. Daniel Wardwell and Samuel Beardsley were for so many years in such close contact and fellowship with President Jackson, it has often seemed to me as if they had much of the unyielding purpose, unbending integrity and Roman firmness of that fearless statesman. In the last year of Mr. Wardwell's life, after his mind had passed into the penumbra of that eclipse from which it never fully emerged, while his conversation wandered on all other subjects, a recurrence to or calling up of the stormy times when he was in Congress, seemed to remove the clouds from his mental vision, to bring light and flash to his eye, determination in his look, as if those scenes were again passing in review before him, and as if ready to exclaim like Bonaparte in his wild delirium at St. Helena, "the head of the army!" Mr. Wardwell was elected to the Assembly for the fourth time in 1837 from Jefferson county. He became a resident of Rome again in 1860, and died here in March, 1878, lacking but a month of his eighty-seventh birthday.

HIRAM DENIO.

Some may say that those only should be called Romans, who were born in Rome. To satisfy such, I point out Hiram Denio. He was born in Wright Settlement, obtained all of his education in town except what he received at Fairfield Academy; read law at first with Wheeler Barnes, and afterwards with Storrs & White of Whitesboro; was admitted to the bar in 1821; opened a law office in Rome; was appointed in 1825 District Attorney of the county, to succeed Samuel Beardsley, and about that time moved to Utica. In 1834, he was appointed Circuit Judge, and after four years was compelled to resign by reason of ill health; held the office of Bank Commissioner from 1838 to 1841; was Clerk of the old Supreme Court from about 1840 to 1845; was Supreme Court Reporter from 1845 to 1847, as the five volumes of Denio's Reports attest; in June, 1853, he was appointed by Governor Seymour to fill a vacancy in the Court of Appeals, and in the fall of that year was elected over Judge Mullin; when his term run out, fourteen years later, he was re-nominated. I was in the Democrat State convention eleven years ago last fall at Syracuse, when Mayor Fernando Wood, a delegate, tried to defeat the re-nomination of Judge Denio, because the latter had rendered an adverse decision in the Courts of Appeals on matters in New York City in which Mayor Wood was interested. He made a very ingenious and plausible argument against such re-nomination, and would have succeeded in defeating it, but for the eloquent and powerful speech of Governor Seymour, also a delegate. Governor Seymour's effort on that occasion was among the ablest and happiest of his life. Judge Denio was nominated and was elected over Timothy Jenkins.

It is a little singular, that as decided a democrat as Judge Denio was, and as intimate as he, Judge Beardsley, Judge Foster, Greene C. Bronson and other democrats were in politics, he

never attended conventions, nor mixed in politics like them, nor seemed to aspire to political offices.

That he was a lawyer and judge however second to none in the State, all concede. He died in Utica, in November, 1871, at the age of seventy-three.

REV. ALBERT BARNES.

There is another who was born in Rome, and although not coming within the line of these sketches, for he was neither a lawyer nor a politician, yet as he has arisen to greater note and prominence in the world than any who have been mentioned, he can not be passed by. Albert Barnes was born in Wright Settlement. He was of about the same age of Hiram Denio—they were play-mates in boyhood, companions in youth, and friends through life. They attended together the Fairfield Academy, and both were designed for the law. The conversion of Albert Barnes while attending Hamilton College, changed the whole current of his thoughts and the bent of his pursuits in another direction. He studied for and was admitted into the ministry, and in that sphere of usefulness, rose to greater eminence than he could ever have hoped to attain in any other. For thirty-seven years he was pastor of the same church. His notes of the Gospels, translated into various languages on the continent of Europe, and reaching a sale of over one million of volumes, have made the name of Albert Barnes familiar to millions of Christian households in both hemispheres, and the memory of his good work will be revered so long as the Bible is taught in our Sabbath schools, or piety shall be revered upon earth.

JOHN B. JERVIS.

There is another Roman, although neither a lawyer nor a politician, who by the strict rules would be shut out of this paper, yet it would hardly be complete without him. John B. Jervis

came with his parents to Rome, from Long Island, in the same year Oneida County was formed. In 1817, when the construction of the Erie Canal commenced, Benjamin Wright, the engineer, was in need of an axman, and young Jervis was temporarily engaged. He was ready with an ax and apt in learning, and soon after he was promoted to the position of rodman in the survey, for twelve dollars per month. He then turned his attention to the study and practice of surveying and engineering, and made such proficiency under Mr. Wright that in two years he was made resident engineer, at one dollar and a quarter a day, on seventeen miles of the canal, extending from Madison into Onondaga County. After remaining there two years he was made resident engineer for two years more, on a more difficult and important division near Amsterdam. In 1823 he was made superintendent of the work for fifty miles of the canal, employing and discharging all the subordinates. When the canal was completed in 1825, having been seven years on that work, he resigned to engage in higher duties, and he received from Henry Seymour, Canal Commissioner and the father of Governor Seymour, a kind and very commendatory letter. He received from Benjamin Wright, then chief engineer of the Delaware and Hudson Canal, the appointment of assistant engineer, and upon Mr. Jervis devolved the main duties. He examined the route, and on his recommendation the use of the river, for part of the way, as was first intended, was abandoned. He was engaged as engineer on a great many other works of internal improvement, among which may be mentioned the railroad between Albany and Schenectady, the Schenectady and Saratoga Railroad, the Chenango Canal, the eastern division of the Erie Canal on its enlargement in 1836, the Croton Water Works, supplying New York City with water, and which was considered the greatest piece of engineering skill in the world, and the success of which gave Mr. Jervis a world wide reputation. He was consulting engineer to supply Boston with water, and chief engineer of the Hudson River Railroad, &c., &c. The water works of Port Jervis (a place on the Erie Railroad named after him) were con-

structed under his approval, and the water works of Rome were not undertaken until the plan had been subjected to the scrutiny of his engineering skill, and received the approval of his judgment.

In 1816 he united with the first and then the only church in Rome, and under its first installed pastor, and for over sixty-two years, he has been an honored member of a church. I think I am safe in saying there is no one who can show so long a membership, and that there is no living person whose coming to Rome antedates his, or who has made Rome for so many years a permanent residence. A few weeks ago he reached his eighty-third birthday; and those who heard or have read his lecture on "Industrial Economy," prepared a few weeks before he was eighty-three years old, need not be told that the mind and memory of John B. Jervis are as clear, fresh and vigorous as when in the full flush of his early manhood.

HENRY A. FOSTER.

In November, 1819, a young man, but a few months past nineteen years of age, came from the office of Beach & Popple, attorneys and counsellors at Oswego, to Rome, and entered the law office of James Sherman, to complete his law studies. At that time, to be an attorney and counsellor of the Supreme Court required a previous course of study of seven years. Two and a half years of that time had been passed by that student, commencing in 1815, in the law office at Chazenovia, of David B. Johnson, father of D. M. K. Johnson, of Rome. In 1818 he read law at Onondaga Hill, then the county seat of Onondaga County, in the office of B. Davis Noxon, who subsequently became an eminent lawyer in Central New York, and was father of Judge Noxon, of Syracuse.

When Henry A. Foster entered the law office of James Sherman, as above stated, the Erie Canal between Rome and Utica

was but just completed and brought into use. What is now the city of Syracuse was then unknown, being only a small collection of houses, and known by the name of "*Corinth*." The county of Oswego was formed but three years before, and what is now the city of Oswego was, at the time Mr. Foster read law there, an unincorporated village of about four hundred inhabitants. Rome was about the same size, and had been incorporated in the spring before Mr. Foster came to Rome. There were at that time six lawyers in Rome, viz.: Joshua Hatheway, Wheeler Barnes, James Sherman, Samuel Beardsley, S. B. Roberts and B. P. Johnson. Mr. Hatheway devoted most of his time to official duties, Mr. Roberts had charge of the Lynch estate, and Mr. Johnson had been admitted only a couple of years.

In those days the oldest as well as the foremost members of the bar practiced in Justice's Court whenever an opportunity offered, and tried causes therein with as much zeal and tenacity as in Courts of Record. For a law student to obtain a livelihood, when he had to compete in those courts with experienced and influential practitioners, it was requisite he should be one of more than ordinary pluck, industry and intelligence. It was only for a few years previous that anybody could practice in Justices' Courts, for, as the law stood prior to 1812, Justices of the Peace were prohibited by positive law from allowing any one to appear in their courts as an advocate, or to try causes, except in cases of the sickness of the suitor. But in April, 1812, that law was repealed, and the preamble to the repealing clause reads so quaintly yet so truthfully, and withal sounds so oddly at the present day, that I have been tempted to copy it. It reads: "*Whereas it often happens that suitors are wanting in ability to do justice to their own causes, or are deserv'd by that presenc^e of mind which is the requisite to command or bring into use such abilities as they may actually possess; and whereas it is a constitutional right which every person has, to employ assistance in all lawful business, therefore the above section is repealed.*" It is an acknowledgment of an old saying, that he

who tries his own cause has a fool for a client. What would the young lawyers of the present day do, if the above repealing clause of 1812 had never been enacted?

I have it from the lips of Numa Leonard, an early settler in Rome, and one of the Justices of the Peace fifty and more years ago, and I have also learned it from other old residents, since passed away, that it was well understood whenever Mr. Foster was in a law case, even when a law student, that in the vernacular of the present day, "it meant business." In 1822 he was admitted to the bar, and within three hours after his admission to the Common Pleas, he was assigned by the Court to defend a person who was indicted for petit larceny, second offense, the offense having been committed before the first conviction. In looking through the judicial records in Oneida County Clerk's office not long since, for materials for this paper, I came across a record of that trial, which took place that year at the General Sessions, before Judges Joshua Hatheway, Truman Enos and Samuel Jones. Samuel Beardsley was District Attorney. As the law now is, a person convicted for the first time of petit larceny, is liable to imprisonment only, in the county jail, and if convicted of a similar offense, after the first conviction, then the punishment is by imprisonment in the State prison.

The statute as it then read provided for the punishment, by imprisonment in the State Prison, "of every person who should be a second time, or oftener, convicted of petit larceny," without saying (as the law now does) that the second offense must be committed, *after a conviction* for a former theft. The objection was taken by Mr. Foster, that this could not be a State Prison offense, as the indictment did not allege nor the proofs show, that the offense was committed after a previous conviction; but that in fact, the *conviction* was for the second offense; that the intent and spirit of the statute were to work a reformation of the offender, by increasing the punishment, for offences committed after

a conviction; but if this was a State Prison offense, then the punishment was the greater for the *first* offense. The District Attorney relied upon the literal reading of the statute, and for two hours the respective counsel argued that question of law to the court. Two of the judges held with the District Attorney, and the other one with Mr. Foster, and so the case had to go to the jury. As jurors in those days were popularly considered judges of the law as well as of the fact in criminal trials, the prisoner's counsel summed up to the jury on that theory and on that question of law, and for two hours the counsel on both sides argued to the jury as to the construction which should be given to that statute, without either side hardly touching upon the merits of the case, as to the guilt or innocence of the accused. The jury took the law of the case into their own hands, construed the statute differently from the two judges, and on that question of law *acquitted the prisoner!* With such a "send off" at the commencement of a professional career and when but twenty-two years old, it can hardly be supposed Mr. Foster ever lacked for clients. A few years later, the same question came up again in this county, and was carried to the Supreme Court, and that court, (3d Cox. Rep., 347,) gave the construction to the law contended for by Mr. Foster, and then the Legislature changed the statute, to make it conformable to that decision.

It was difficult in those days, if not impossible, for a person to remain neutral in, or for one of ambition and ability to keep out of politics during the exciting times growing out of the discussion relative to the convention and constitution of 1821, the elective franchise, the Presidential campaign between General Jackson and John Quincy Adams in 1824, and the still more exciting one of 1828. Mr. Foster, like Samuel Beardsley, Greene C. Bronson, Samuel A. Talcott, William H. Maynard, Henry R. Storrs, Joseph Kirkland, Ezekiel Bacon, Joshua A. Spencer, Timothy Jenkins, and other legal luminaries, drifted into politics, and at an early age all of the above took as active a part in caucuses and conven-

tions as in the trial of causes at the Circuit. In 1826, in the gubernatorial contest between DeWitt Clinton and William B. Rochester, Mr. Foster was nominated for Assembly on the Rochester ticket; but the Clintonians and federalists were too strong in the county, and the Rochester Assembly ticket was defeated. In 1827 Mr. Foster made a bold push for the office of Surrogate, then held by Mr. Hatheway. It was a hazardous attempt for a young man, not then twenty-seven years of age, to try for the displacement of one who had been in political life as long as Mr. Hatheway, and who knew so well all the ins and outs of politics; and moreover, who had to back him his son-in-law, Mr. Samuel Beardsley, then an important factor in the politics of the county and State. The attempt seemed like demanding the crown from the reigning King, or the scepter from the Pope. Nevertheless, the effort was made. In March, 1827, Mr. Foster was appointed Mr. Hatheway's successor, Surrogate of Oneida County, by Governor DeWitt Clinton, which office he held until 1831. In 1830 he was elected State Senator, over Nehemiah Huntington, an old lawyer of Madison County. Mr. Foster's majority in Oneida County was fourteen hundred. Ephraim Hart, of Utica, ran on the workingmen's party, and received *one* vote in Rome, and four hundred and seventy-five votes in the county. So it seems that the party of last year by that name was not a new one, but that fifty years ago an organized workingmen's party was in existence, seeking at the polls a redress for political grievances. History repeats itself, sometimes in fifty years, and many times oftener.

Mr. Foster was Trustee of Rome village in 1826, 1827 and 1828, and Supervisor of the town in 1829 and 1830, and again in 1833 and 1834. In January, 1835, he was again appointed Surrogate of Oneida County, to succeed Allanson Bennett, and held the position until he resigned in August, 1837, as he was then soon to commence his Congressional labors at Washington. In 1836, he was elected to Congress, over Joshua A. Spencer, although Israel Stoddard

ran as the "bolters" candidate, and carried off twelve hundred votes. It was the year Martin Van Buren was elected President of the United States. In the Harrison campaign of 1840, Ex-Governor Seymour and Ward Hunt were competitors for the nomination for the State Senate. As the Senatorial convention was about evenly divided between those two candidates, they finally compromised on the nomination of Mr. Foster, who was elected over Chester Buck of Lewis County. While in the Senate during this term, Mr. Foster introduced a resolution, and to him belongs the honor of procuring its passage through both Houses of the Legislature, favoring the modification of the franking privilege, and a reduction of the rate of postage (the cost of sending a single letter through the mails, then being from eighteen to twenty-five cents.) That was the first legislative action taken on that subject, and although it took the general government a long time to give heed to that request from the Empire State, yet it was eventually done, and Mr. Foster has lived to see that reform, initiated by him and so much needed by the people, become the law of the land. Near the close of his term he resigned, to accept the appointment of United States Senator, to fill a vacancy.

Hammond's Political History, in referring to the Senate of 1844, uses the following language: "Had we arranged the members of the Senate of 1844 according to their reputation for talents, Mr. Foster ought undoubtedly to have headed the list. In debate he is truly formidable. The rapid and effective action of his intellectual powers, his retentive memory, his ready recollection of facts and even dates, combined with his sharp and caustic style of speaking, made him respected and feared by his opponents, and the admired champion of his friends."

In April, 1853, President Franklin Pierce appointed Mr. Foster to the office of United States District Attorney for the northern district of New York. The appointment was entirely unsolicited and unexpected; the first knowledge or intimation Mr. Foster

had of such intended appointment, was from the newspapers. He felt compelled to decline the proffered honor, and Samuel B. Garvin, then of Utica, was subsequently appointed.

In 1863 he was elected Judge of the Supreme Court from this Judicial District, for a term of eight years. Such then is a synopsis of the political and judicial life of Judge Foster, in addition to as large and important a law business as any other lawyer in Central New York, viz.: six and one-half years Surrogate; two years in Congress; eight years in the State Senate; and eight years on the bench of the Supreme Court—all of which positions he adorned, and discharged their various duties with an ability, fidelity and faithfulness that were never questioned. He now lacks but a few months of his seventy-ninth birthday, and with a mind unimpaired by increasing years, a memory unaffected by the accumulation and cares of an extensive law business, a vigor of intellect that seems to have suffered no diminution by use or age, and with an activity that is but very little lessened by the burdens of an unusually active and busy life. Rome is honored by the residence of such a one who has been a “Roman Citizen” for nearly one-half a century, and has made a decided impress upon the times in which he has lived. I think I am safe in saying that no one is now living in this State, and that the personal knowledge of those who now hear me does not extend to any other person who has attained such an age, with such mental vigor, and capable of such physical endurance. With the exception of Alvin Bronson above named he is the oldest Ex-Senator in the State. And in running my eye over the names of the forty-two Congressmen from this State at the time Judge Foster was a member of that body, I find only three besides himself now alive, viz.: Judge Amasa J. Parker, of Albany; Arphaxad Loomis, of Little Falls; Judge Hiram Gray, of Elmira.

The present generation must not be unmindful that the political work and the political workers of to-day, are not by any means

like those of the times of which I have been speaking. Those were the days of arduous political toil, of sleepless vigilance, and of untiring activity. Those were the times when the foremost members of the bar, and the most prominent men in county and State were in attendance at town caucuses, and delegates to district, county and State conventions, and among the hardest and most faithful workers at the election polls; when the note of preparation, on the eve of an election, like that on the eve of battle, sounded all along the lines, and no vigilance was relaxed, no work left undone until the last vote was in the ballot box. No one was idle, none slept at his post. Let me narrate an incident or two as to the way the warfare was waged and politicians worked forty, fifty and sixty years ago.

Those who knew Wheeler Barnes will remember that for the last thirty years of his life he was lame, and walked with difficulty, even with a cane. He was an active partisan in his day, and particularly hostile and bitter in his opposition to General Jackson for the Presidency in 1828, as were all of the Adams men of that period. That was the year of the "coffin hand bills," distributed by the Adams men in every school district, and with wonderful effect against General Jackson. At the head of each hand bill were the pictures of six black looking coffins, and underneath was printed the story of the six militia men ordered by General Jackson to be shot for desertion, and who were executed in 1815. The story was told with pathetic tenderness, and with the amplification and exaggeration usually attending electioneering documents. A few days before that election, Mr. Barnes started out from Rome on horseback, with a large roll of those hand bills, to distribute in Vienna, Camden and adjoining towns. A democratic politician of Rome in those times, and who is yet a Roman,* seeing Mr. Barnes start out, suspected the purport of his mission, followed on soon after with an antidote for that poison. A short distance west of the United States Arsenal, Mr. Barnes' horse was discovered by the Jackson man riderless by the roadside, and on inquiry

* Ex-Judge Foster.

he learned that Mr. Barnes was in a neighboring house, having fallen or been thrown from his saddle, breaking his leg near the hip joint. The illness consequent thereon lasted him for months, and he was made a cripple for the rest of his life. Of course the Jackson men chose to construe that misfortune as a visitation upon Mr. Barnes for his activity and bitterness in that canvass.

Four years later, and when General Jackson ran the next time for the Presidency, a misfortune befel the Jackson party, and had it resulted as was at first feared, would have given the Jackson men more annoyance and pain than the breaking of a dozen legs. The Democratic County Convention was held that year (1832) at Floyd, and Squire Utley, of Western, David Wager, of Utica, John Dewey, of Boonville, and Othniel Williams (father of Hon. O. S. Williams) of Clinton, were nominated for the Assembly. It was in the time of three days' election, the first day commencing Monday, November 5th. Railroads and telegraph wires had not then penetrated Oneida County. On Sunday, November 4th, at six o'clock in the evening, Mr. Williams, one of the above nominees, died suddenly at his home in Clinton! What was to be done, election commencing at nine o'clock the next morning? A new set of Assembly tickets was at once printed, with the name of Levi Buckingham, of Marshall, in place of Mr. Williams, and a printed circular signed by the county corresponding committee, announcing the death, accompanied the ballots. About midnight that night a special messenger reached Rome with the news of the death, and with the votes for all of the northern towns. Thomas Dugan, then an active democrat, was at once started with the tickets for the towns of Floyd, Steuben, Remsen, Trenton and Boonville. Judge Foster started about one A. M. on horseback, with the tickets of Western, Lee, Amnsville, Camden, Florence and Vienna, and left them in the hands of trusty persons, and was back by nine o'clock Monday morning at the polls in the "Fish Creek district" in Rome, where the first day's election was held, ready for a three days' battle for General Jackson and the democratic cause. The whole county was supplied with the tickets, and

only twelve votes were lost (in the town of Augusta) by reason of the above disaster. The whole democratic ticket was elected that year in county, State and Nation. Such was the way politicians did their work in those days, and of such materials were they composed.

I am not unmindful of such Romans as Allanson Bennett, Charles Tracy, Norman B. Judd, William C. Noyes, Calvin B. Gay, Calvert Comstock and others, but as they were not prominent actors for the first forty years of Rome's history, they go into another and later chapter.

JOHN STRYKER.

There is yet one more Roman who should go into this "record" before this chapter closes, for he has been a resident for almost one-half a century, and none in the State has been more active in politics than he. Mr. John Stryker read law with Storrs & White, came to Rome before he was twenty-one to form a law partnership with Allanson Bennett, was admitted to the bar as soon as he had attained his majority, and at once glided into politics by a process so easy and natural, that it was almost second nature to him, and yet he had a large law practice, in connection with his subsequent law partners, Henry A. Foster, Charles Tracy and Calvert Comstock. No person probably in the State, and certainly none in the county was so fond of politics as he or made it such an exclusive study and business for over forty years of his life. He was elected to the Assembly in 1835, held the office of Surrogate for ten years from 1837, and those were about the only offices he ever held; and yet he has attended more caucuses, district, county, State and National conventions, made and unmade office-holders, and managed and manipulated conventions to a greater extent than any other man in the State. A few weeks ago he reached his seventieth birthday, and yet his memory as to facts, dates and details of fifty years gone by is not equaled by that of any living person. The politics of Oneida County and the history of

State and National conventions would be in a great measure shorn of their most interesting features, if all that Hon. John Stryker had to do therewith was left out.

I have spoken of Mr. Stryker more as a politician, he having been a delegate to twelve State Conventions of the democratic party, a delegate to four National conventions, and for ten years a leading member on the State committee. During a long period of his political life he was in confidential correspondence with such eminent men as Governor Marcy, General Lewis Cass, Governor Bouck, Governor Manning, of South Carolina, John L. Dawson, of Pennsylvania, Edwin Croswell, &c., &c., and a life-long and devoted friend and admirer of Governor Seymour. The letters above referred to, if preserved, would make an interesting history of the times, and an important chapter of the movements of the democratic party. To him and Judge Foster is Rome indebted for its prosperity in securing the Black River Canal and the Syracuse and Utica Railroad, against active adverse interests, and the change of the Erie Canal from the Rome Swamp to the center of the city—from which time Rome has continued to increase in prosperity, on a sound basis, and which have been the means of adding five-fold to her population.

Lengthy as this paper is, it contains not a tithe of what could be written concerning the important events and prominent men in Rome for the first forty years of its history—men who have exerted as great an influence in the history of the county, State and nation as any who have lived in the Valley of the Mohawk since the days of the Revolution.

It is well for the present generation to have occasionally unfolded to their view a panorama of the past, as it will better enable them to understand and appreciate its history, and to more fully realize the nature, character and beneficence of those political institutions which are destined to live and flourish long after the memory of the actors in those scenes shall have faded away, like streaks of morning cloud, into the infinite azure of the past.

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